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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,223	09/21/2001	leon C. Chen	EQUUS-060A	4084

7663 7590 08/27/2003

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,223

Applicant(s)

CHEN, IEON C.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

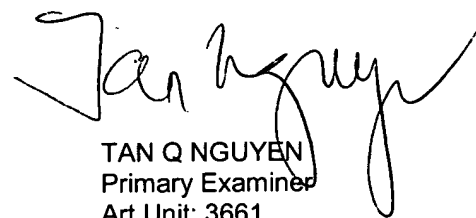
ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the Request for Continued Examination (RCE) filed on June 31, 2003. The amendment filed on June 09, 2003 which previous has not been enter, is now entered. As per request, claims 1-28 have been canceled. Claims 29-37 have been added. Thus, claims 29-37 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gurne et al. (5,541,840).

4. As per claim 29, Gurne et al. disclose the invention as claimed which includes handheld unit for downloading the fault codes generated from the onboard computer and generating a visual output signal representative of the status of the vehicle which is independent of resources external to the handheld unit (see at least figure 1 and column 7, lines 22-40).

5. As per claims 30 and 31, Gurne et al. further disclose that the handheld unit can be connected to a computer to correlate the fault code to problem description data for

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diagnosing the vehicle and downloading such description data (see at least column 7, lines 42-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne et al. as applied to the claims above, and further in view of Kubozono et al. (5,506,772).

8. Gurne et al. disclose the claimed invention as discussed above except for the communication between the computer with a remote computer. However, Kubozono et al. disclose an apparatus and method of diagnosing a vehicle via a remote computer which includes the steps of connecting a portable tester to the onboard computer (see figure 1), communicating between the tester with the onboard computer to see if there is a malfunction signal of the various control systems (see column 2, lines 54-67), communicating between the tester and a personal computer regarding to the malfunction signal (see figure 1 and column 3, lines 4-15), communicating between the personal computer and a remote computer regarding to the malfunction status (see figure 1 and the related text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kubozono et al.

into the system of Gurne et al. in order to further assistance from a remote computer when needed.

9. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne et al. as applied to the claims above, and further in view of Gordon (4,207,611) and Fera (6,263,265).

10. With respect to claim 34 and 35, Gurne et al. and Kubozono et al. disclose the claimed invention as discussed above except that the handheld unit comprises selectively illuminating one of a plurality of visual indicia being representative of a different status of the vehicle. However, Gordon does suggest a portable tester which includes the indicators, "ok", "low" or "high" LEDs, each indicates the status of the various vehicle systems (see figures 1, 7 and the related text). Furthermore, it is obvious to one of ordinary skill in the art at the time the invention the color codes are well know used to indicate the status of the unit. For example in the Fera reference, green for a properly functioning unit, yellow for an abnormally in one of its operating parameters, and red for a critical fault (see column 3, lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gordon and Fera into the system of Kubozono et al. and Chou et al. in order to modify the tester with the visual color indicators for not only identify the fault unit but also give the indication of how critical the fault unit is.

11. With respect to claims 36 and 37, it would have been obvious to one of ordinary skill in the art the when the trouble codes are transferred to the portable unit, the indicators on the portable unit are independent of any communication with the personal computer since it does not need the personal computer just yet.

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Remarks

12. Applicant's arguments filed on June 09, 2003 have been fully considered. The previous pending claims have been canceled and the whole new set of claims 29-37 has been added. Upon the updated search and the newly added claims, the new ground of rejections has been set forth as above.

13. The following references are cited as being of general interest: Gray (5,214,582), Nagayoshi et al. (5,481,906), Kamiya et al. (6,225,898) and Lang et al. (6,295,492).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the central official fax:

(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

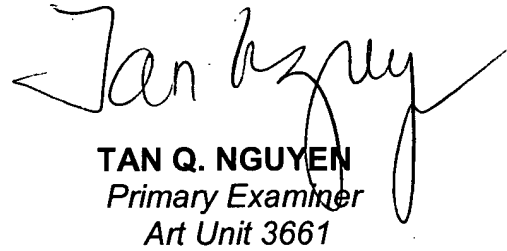
Hand-delivered responses should be brought to Crystal Park V, 2451
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

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/tqn
August 20, 2003


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661